



Attorney's docket 22649

Box Patent Application
Commissioner of Patents and Trademarks
Washington, DC 20231

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The Firm of Karl F. Ross, P.C.

PATENT

10/16/03



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of inventors:

| | First Name | Last Name | Residence | Citizenship |
|----|------------|---------------|---------------------------|-------------|
| 1. | Stefan | WINTERSPERGER | Icking, Germany | Germany |
| 2. | Robert | BAIER | Oberschleissheim, Germany | Germany |
| 3. | Gerd | SUTTER | München, Germany | Germany |
| 4. | Marion | OHLMANN | München, Germany | Germany |
| 5. | Volker | ERFLE | München, Germany | Germany |

For (title):

VECTOR FOR INTEGRATION OF HETEROLOGOUS SEQUENCES INTO POXVIRAL GENOMES

1. Type of Application

- Utility
- Design
- Plant

- Original
- Divisional
- Continuation
- Continuation-in-part

2. Benefit of Prior US Application(s) (35 USC 120) or foreign priority (35 USC 119)

- The new application being transmitted claims the benefit of a prior US application. See ¶17--20 below.
- Foreign priority claimed (see ¶9)

3. Papers Enclosed Required For Filing Date Under 37 CFR 1.53(b) (Uti.) or 37 CFR 1.153 (Des.)

- Pages of specification (23)
- Pages of claims (5)
- Pages of Abstract (1)
- Sheets of Drawing (2)
 - Formal
 - Informal

4. Additional papers enclosed

- Preliminary Amendment
- Information Disclosure Statement
- PTO-1449
- Citations (none)
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer-readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino-acid sequence
- Authorization of Attorney(s) to accept and follow instructions from Representative
- Other -- PTO Data Entry Form
- Other

5. Declaration or Oath

- copy enclosed
- original executed by
 - Inventor(s)
 - legal representative of inventor(s). 37 CFR 1.42 or 1.43
 - joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or could not be reached
 - this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached
- Not Enclosed
 - Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above-named inventor(s).
 - Showing that the filing is authorized.

6. Inventorship Statement

The inventorship for all the claims in this application is:

- The same
- Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
 - is submitted.
 - will be submitted.

7. Language

- English
- non-English
- the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- An assignment of the invention to GSF FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH
 - is attached with form PTO-1595 and a separate check for \$40.00.
 - will follow.

9. Certified Copy

Certified copies of applications

| Country | Number | Date |
|---------|----------------|-------------|
| DK | PA199900753 | 28 May 1999 |
| PCT | PCT/EP00/04786 | 25 May 2000 |

from which priority is claimed

- is(are) attached.
 will follow.
 Was(were) filed earlier. See ¶18 below.

10. Fee calculation**A. Utility application****CLAIMS AS FILED**

| No. Filed | Base No. | No. Extra | Rate | Basic fee |
|--------------------|----------|-----------|----------|-----------|
| Total claims | 18 | 20 | \$18.00 | \$750.00 |
| Independent claims | 3 | 3 | \$86.00 | \$0.00 |
| Mult. dep. claims | No | n/a | \$290.00 | \$0.00 |

- Amendment canceling extra claims enclosed.
 Amendment canceling multiply dependent claims enclosed.
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation **\$750.00**

- B. Design application**
(\$0.00–37 CFR 1.16(f))
Filing fee calculation

\$0.00

- C. Plant application**
(\$490.00–37 CFR 1.16(g))
Filing fee calculation

\$0.00**11. Entity Status**Applicant herewith qualifies as a **LARGE** entity.**12. Request for International-Type Search (37 CFR 1.104(d))**

- Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment

- | | | |
|-------------------------------------|--|----------|
| <input type="checkbox"/> | Not enclosed. | |
| <input type="checkbox"/> | No filing fee is to be paid at this time. | |
| <input checked="" type="checkbox"/> | Enclosed. | |
| <input checked="" type="checkbox"/> | basic filing fee | \$750.00 |
| <input type="checkbox"/> | petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or could not be reached | |
| <input type="checkbox"/> | for processing an application with a specification in a non-English language | \$0.00 |
| <input type="checkbox"/> | processing and retention fee | \$0.00 |
| <input type="checkbox"/> | fee for international-type search report | \$0.00 |
| | Total fees enclosed | \$750.00 |

14. Method of Payment of Fees

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Check in the amount of \$770.00 |
| <input type="checkbox"/> | Charge Account 18-2025 for \$770.00. A duplicate of this form is attached. |
| <input checked="" type="checkbox"/> | Charge to credit card (PTO-2038 attached.) |

15. Authorization to Charge Additional Fees

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to account 18-2025. |
| <input checked="" type="checkbox"/> | 37 CFR 1.16(a), (f), or (g) (filing fees) |
| <input checked="" type="checkbox"/> | 37 CFR 1.16(b), (c), or (d) (extra claims) |
| <input type="checkbox"/> | 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application) |
| <input checked="" type="checkbox"/> | 37 CFR 1.17 (application processing fees) |
| <input type="checkbox"/> | 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance pursuant to 37 CFR 1.31(b)) |

16. Instructions As To Overpayment

- | | |
|-------------------------------------|------------------------|
| <input type="checkbox"/> | credit account 18-2025 |
| <input checked="" type="checkbox"/> | refund |

17. Relate Back--35 USC 120

This is a continuation of copending application 09/980029 filed 26 December 2001.

18. Relate Back—35 USC 119 Priority Claim for Prior Application

The prior US application(s) identified above in ¶17 in turn claim(s) the following priority(ies):

| Country | Number | Date |
|---------|---------------|-------------|
| Denmark | PA 199900753 | 28 May 1999 |
| PCT | EP00/00/04786 | 25 May 2000 |

The certified copy(ies) has (have)

- been filed on 00000 and receipt was acknowledged on 23 August 2002 in the above-cited prior application 09/980029.
- is(are) attached

19. Maintenance of Copendency of Prior Application

- Extension of time in prior application
- An extension request and fee extend the term in the prior application to .
 - A copy of the extension request for the prior application is attached

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- The inventors for this application and for above-cited prior application 09/980029 are the same.
- This application claims, in addition to inventors named in above-cited prior application 09/980029 the following additional inventors:
n/a
- The following inventors named in above-cited prior application 09/980029 are not claimed in this application:
n/a
- Submitted herewith is an explanation detailing the changed inventorship.

23 September 2003

The Firm of Karl F. Ross P.C.

Herbert Dubno, reg. no. 19,752

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